

ARTICLE 18 PUBLIC ART

1801 TITLE

This article shall be known as the City of Sedona Public Art Ordinance.

1802 PUBLIC ART REQUIREMENT

- A. Prior to the issuance of a building permit for any new commercial, professional office, lodging or timeshare structures or uses which are either:
 - 1. commercial, professional office, lodging or timeshare construction 5,000 square feet gross floor area or more; or
 - 2. expansions of an existing commercial, professional office, lodging or timeshare structure of an additional 2,500 square feet gross floor area or more.
 - 3. The applicant will demonstrate that the proposed development or project will comply with the provisions of this Article.
- B. This article shall not apply to Federal, State, County or City projects or structures or to residential and industrial uses as defined in Article 2 of the Land Development Code.
- C. Developers of such projects shall demonstrate that the proposed project will involve a minimum investment of 34 cents per square foot (based on year 2000 CPI which will be adjusted up or down annually based on changes in the CPI) for artwork to be seen by the public.
- D. Before a Certificate of Occupancy shall be issued for the development or the expansion, the art contribution must be certified by the Arts & Culture Commission as being in compliance with this Ordinance.
- E. All artwork shall meet the applicable requirements of all other City of Sedona Ordinances, the Land Development Code and City Code.

- F. The art investment shall take the form of either an on-site installation of developer-selected exterior artwork, or, at the developer's discretion, an equivalent cash contribution to the City of Sedona Art in Public Places Fund may be made to be used for public art in the City of Sedona. A combination of the above options is also acceptable.
- G. The owner of the development shall be responsible for the proper upkeep and maintenance of the artwork within the proposed development.
- H. In the event that any artwork placed on the development as a result of this Ordinance is removed or destroyed, owner or developer shall, within 180 days of the removal or destruction:
 - 1. Replace it with artwork which meets the requirements of this Ordinance and is equal to the removed/destroyed artwork's fair market value immediately prior to its removal or destruction or;
 - 2. Make a cash payment to the City of Sedona Art in Public Places Fund in an amount equal to the square foot gross floor area of the development multiplied by the cents per square foot set forth above that is applicable at the time of the removal or destruction of the artwork.

1803 COMMISSION'S TIME TO ACT

Upon receipt of all initial artwork plans, the Art In Private Development Committee of the Arts & Culture Commission shall review the plans to insure that they meet the requirements of the Ordinance and shall present a summary of each artwork plan and its recommendation to the Arts & Culture Commission. The Chairman of the Commission shall place it on the agenda for a public hearing within 30 days for action to approve or disapprove the plan. The City shall cause notice to be delivered in person or sent by Certified Mail to the owner(s) of the property announcing the

hearing, not later than 15 days preceding said hearing.

1804 CRITERIA FOR PUBLIC ART

A. Art which is selected by an Owner or Developer to be integrated on the site of the project must be located on an exterior of the structure or the building site which is visible to the public for at least 40 hours per week.

B. On site artworks that are acceptable within the scope of this Ordinance are:

1. building features and enhancements which are unique and produced by a professional artist;
2. landscape art enhancements such as walkways, bridges, unique water or unique art features;
3. murals or mosaics covering walls and walkways;
4. professional artist sculptures which can be freestanding, wall-supported or suspended and made of durable materials suitable to the site;
5. other suitable artworks accepted by the Arts & Culture Commission.

C. On site artworks which are not eligible include:

1. business logo;
2. directional elements such as super graphics, signage or color coding;
3. mass produced art objects, such as: fountains, statuary, playground equipment;
4. art reproductions;
5. landscaping or hardscape elements normally associated with the artwork;
6. services or utilities necessary or desirable to operate or maintain artworks.

D. Eligible costs are:

1. professional artist compensation;
2. fabrication and installation of the artwork;
3. site preparation;
4. structures enabling the artist to display the artwork;
5. documentation of the artwork;
6. acknowledgment plaque identifying the artist and the artwork.

E. The Commission shall approve/disapprove the artwork plan. The developer has the right to appeal the decision of the Commission to the City Council within 15 days of the Commission's decision.

F. Prior to issuance of a Certificate of Occupancy, the approved artwork must be installed in accordance with approved construction and landscape plans, unless the Arts & Culture Commission agrees to an extension of time of up to six months. If an extension of time is granted, then prior to the issuance of the Certificate of Occupancy, a cash deposit or an irrevocable letter of credit in an amount guaranteeing the complete installation of the artwork within six (6) months of the issuance of the certificate of occupancy must be deposited by the owner or developer with the City of Sedona. Failure to completely install the artwork approved by the Commission within the six months of the issuance of the Certificate of Occupancy shall result in forfeiture of the deposit or letter of credit and the money deposited shall be credited to the Art in Public Places Fund.